

REMARKS

Claims 8-14 are pending in the present application. Claims 8 and 10-14 are amended and are independent claims. Claims 1-7 were previously cancelled.

Statement Under 37 C.F.R. §1.133(b)

The Applicant thanks the Examiner for the courtesy shown during the telephone interview conducted on September 1, 2009. During the interview, independent claim 8 and cited references U.S. Patent 6,181,870 and U.S. Patent Publication 2002/0006273 were discussed. The Applicant disagreed with the Examiner's rejections and explained why during the interview. The Examiner noted that the cited references were directed to optical discs using DVD technology whereas the present application is directed to blu-ray discs. The Examiner suggested an amendment to the claims claiming features associated with blu-ray discs may distinguish the claims from the cited references.

Claim Rejections – 35 U.S.C. §103

Claims 8 and 10-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,181,870 to Okada et al. ("Okada") in view of U.S. Patent Publication 2002/0006273 to Seo et al. ("Seo"). The Applicant respectfully traverses this rejection.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under

35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that neither Okada, nor Seo, either separately or in combination, teach or suggest all of the limitations set forth in the independent claims. Neither has there been a clear articulation made of why one skilled in the art would find the differences between the claims and the prior art to be obvious.

For example, independent claim 8 recites a computer-readable medium including, among other things, "wherein the data structure is associated with a blu-ray disc format." The Applicant respectfully asserts that Okada does not teach, suggest, or otherwise render obvious the feature of claim 8 quoted above. In contrast and as pointed out by the Examiner during the interview described above, Okada is silent with respect to blu-ray discs. Rather, Okada is directed to other optical discs. Because Okada does not describe in any way a blu-ray disc it cannot teach or suggest a data structure that is associated with a blu-ray disc format as recited in independent claim 8.

Seo does not cure the insufficiencies of Okada. Neither is it alleged to. Rather, Seo is silent with respect to blu-ray discs and therefore is silent with respect to a data structure associated with a blu-ray disc format as recited in the claims.

For at least these reasons, the Applicant respectfully asserts that a *prima facie* case of obviousness has not been made. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claim 8 be removed. The Applicant notes

that the other independent claims, claims 10-14 also recite language similar to that recited above with respect to claim 8 and that claims 10-14 are patentably distinguished over the cited references for at least the reasons set forth above with respect to claim 8. For at least these reasons, the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claims 8 and 10-14 as being unpatentable over Okada in view of Seo be removed.

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okada and Seo as applied to claims 1, 8, 10, 11 and 12 above, and further in view of U.S. Patent Publication 2002/0150392 to Yoo et al. ("Yoo"). The Applicant respectfully traverses this rejection.

Claim 9 is dependent upon claim 8 which has been shown to patentable over the cited references for the reasons set forth above. Therefore, claim 9 is patentable at least by reason of its dependency and the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claim 9 be removed.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 8-14 in connection with the present application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a two (2) month extension of time for filing a reply to the April 2, 2009 Office Action, and submit the required \$490 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By: 

Terry L. Clark, Reg. No. 32,644
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

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